

Plaintiffs likelihood of prevailing in this case, is strictly related to and underscored by: 1. The events involving the Defendants or their staffing from 2017 to the present; 2; Plaintiffs theory that the Defendants cannot force any Trans person into a Cis facility; and Plaintiff can and will prove that 3. Plaintiff has multiple ex Marscha's staff and clients willing to testify that DHS directed a targeted smear attack and retaliation against Plaintiff.

Also at issue is the fact that in general Defendants counter offers have been unreasonable, considering the amount of evidence in support of Plaintiffs claims and narrative.

Or this Court must step in and take appropriate action.

Clearly Defendants now believe Plaintiffs requires a single room for medical reasons. This is a definite about-face, legally...and by every other measure.. Therefore Defendants must provide said single-room accommodation to Plaintiff, regardless of settlement.

As stated during the most recent settlement conference, Plaintiff believes that the Municipal Defendants been stalling in order to avoid settlement and Discovery.

The Municipal Defendants Fail to Negotiate In Good Faith; Continue To Violate The Spirit Of ADA Within Its Counter Offer.

I am writing this letter to update the court concerning events and developments which are relevant to Plaintiff's lawsuit pending, 17 cv 3014.

Dear Magistrate Wang,

Update-Letter

Case Num. 17cv3017

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New York, NY 10007
August 1, 2019
RECEIVED
SDNY PRO SE OFFICE
United States Federal Magistrate
Ona T Wang
RECEIVED
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40 Foley Sq.
New York, NY 10007
August 1, 2019
Maraiah Lopez, Plaintiff
Pro se

Defendants have a pattern on neglecting the needs of homeless Queer New Yorkers, especially those with medical needs (for reasonable accommodations) such as Trans and GNC individuals. Plaintiffs medical needs for a single room (a indeed plaintiffs documented disabilities) have been known to the municipal defendants for at least 10 years. This facts underscore the caprice carried out by the Defendants. The inconsistent way in which different NYC Municipal agencies address and accommodate Plaintiffs (rigths) have harmed Plaintiff, and supports the likelihood that Municipal Defendants violated Plaintiff's rights under the ADA (and the retaliation experienced by Plaintiff for assessing and defending these needs under the ADA) for purposes of this case, Plaintiff's medical needs have not changed in any significant way since 2017; For purposes of this case, Plaintiff's medical needs have not changed in any single room. including and especially the need for a single room. No amount of "review" of Plaintiff's records will change Plaintiff's needs, or story.

Therefore the Defendants are going to lose if this case proceeds to trial; the City's dirty laundry concerning its failures of the Queer Homeless, will be aired, and Plaintiff medical needs and how they are perhaps since seeing their co Defendants settle. Perhaps the Municipal Defendants have reassessed case, but in the meantime believe that Discovery (a two sided Discovery process) is warranted and Plaintiff awaits this Court's review of Municipal Defendants counter offer for settlement in this order (by this Court). These records are important. Plaintiff accepts this.

Conversely though, so are the records and documents and other Discovery materials in the possession of Defendants; being kept hidden from Plaintiff within the context of faux negotiations meant to distract from Plaintiff's desire to resume Discovery.

Plaintiffs wishes to both preserve, as well as examine documents and witness/witnesses (including statements and testimony to be gathered within depositions) in the event settlement negotiations are not successful.

Councilman Ritchie Torres is reportedly considering a run for a congressional seat.

Speaker Corey Johnson is also considering a run for Mayor.

Mayor DeBlasio is still a Presidential hopeful, and could become overwhelmed busy and unavailable if his political aspiration are realized; same for Councilman Torres and Speaker Johnson.

Therefore there should be no further delay in Discovery, As any delay could harm Plaintiff's right to access Speaker Corey Johnson, Councilman Torres and Mayor Blasio (including their emails and other communication to/from DHS/DOI; or relating to Plaintiff's stay at Marshalls, allegations of misconduct).

Surely if settlement cannot be reached between parties then naturally Plaintiff will have the right to request and review documents and testimony from all three of these individuals.

All three individuals mentioned above are directly involved in and have been directly named throughout these proceedings (Councilman Torres was aware of the issues at Marshalls, so was Spkr Johnson, and Mayor DeBlasio; personally aware).

Discovery is the only way to get to the bottom of what happened Back in the summer of 2017.

All three benefited from the cover-up and lack of proper DOI oversight.

The status of these individuals as high profile politicians is irrelevant where the law and Discovery is concerned.

Speaker Johnson became directly involved in the case last year after Plaintiff presented Johnson with physical proof of crimes which occurred at Marshalls; Plaintiff executed this hand-off of evidence at a public event.

According to Speaker Johnson staffer Sean O'Gallagher, after reviewing the evidence, Speaker Johnson alerted General Council for City Council, as well as officials from the mayor's office and DOI, of the existence of this physical proof.

According to Speaker Johnson's testimony, emails and other material are relevant to claims that Mayor DeBlasio and (at the mayor's direction) the NYC DOI failed to investigate, document and/or prosecute crimes of individuals who worked at Marshalls or DHS (a legal and political strategy in this case).

Plaintiff certainly recognizes and appreciates the many steps taken by this Court thus far, to move things along in terms of settlement talks, and in particular the importance of Plaintiff's records.

However this has all seemed very one-sided to the Plaintiff; with the Municipal Defendants avoiding having to face the normal scrutiny which pre-trial discovery brings...absent good-faith negotiations.

However, Plaintiff has been offered a position within the New York State AIDS Institute, in large part (Plaintiff believes) due to Plaintiff's past work on the front lines of the 'End-Of-AIDS' movement, which spans two decades. * Plaintiff began work as a peer educator for a HIV Prevention, Harm Reduction and Client-Referral model over the past decade, Plaintiff's knowledge and policy driven healthcare and client-referral models over the past decade, Plaintiff's knowledge and the disease, while managing to avoid infection directly. As the field change from condom distribution, to based non profit in 1998 and has been fighting on the front lines ever since; losing countless friends to Plaintiff was not fortunate enough to be chosen for the fellowship.

The whole experience has been a confidence booster, and Plaintiff is more determined than ever to return to school and to a life dedicated to public service.

The application process and Plaintiff's even being a candidate for the fellowship, had an enormous positive impact on Plaintiff's self esteem.

Plaintiff did this while legally homeless, and still engaging in Street/survival sex work, due to the Defendants actions and failures.

Plaintiff applied for the fellowship...was interviewed, and reached the final round interviews (eventually being interviewed by General Counsel to Governor Cuomo Alfonso David).

As previously stated, last year Plaintiff was contacted by NYS officials from the Executive Chamber (David Turley, Jason Star) and encouraged to apply for a newly created fellowship within the New York State Empire State Fellowship program.

Plaintiff makes this assertion for several reasons.

With respect to Plaintiff starting a new job with the New York State Department of Health, AIDS Institute; Plaintiff's start as a state employee, seems imminent.

Plaintiff recently became aware of new college scholarship under New York State Office Of Children and Family Services, for anyone who was previously in NYC foster care; which Plaintiff is eligible for.

As stated during the previous settlement conference via phone, Plaintiff intends on attending Schenectady Community College in the Fall.

Plaintiff should have a school schedule to provide the Court and the Municipal Defendants with, by the beginning of next week.

Plaintiff's Plans for the Fall:

Plaintiff wishes to engage in meaningful and equitable Discovery going forward. Plaintiff is amenable to this Court scheduling a conference to discuss Discovery as a separate issue, aside from settlement talks or Class Certification.

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johanne Morine

Plaintive is willing to share more specific details with the court through correspondence filed under seal or in chambers during the next settlement conference. In the meantime if the court has any questions they may contact Miss Morine directly

Plaintiff received permission from Ms Morin to inform this Court as to some details of the position which awaits Plaintiff, such as the fact that Plaintiff will be working out of the Special Projects Division of AI, and as a full time employee, once Plaintiff begins work Plaintiff will enjoy a benefits package which includes first class healthcare.

What's more, Ms Morine and Plaintiff both agree that Plaintiff will be able to handle the workload from school and work (provided Plaintiff is afforded the proper support).

In terms of Plaintiff's Fall plans to return to college, discussions concerning Plaintiff's becoming a public servant, have always involved Plaintiff's continued education. These developments don't come out of thin air.

During this same conversation, Plaintiff expressed the desire to immediately resume college classes part-time (while working), and Ms Morine supported this decision.

Plaintiff takes comfort in the knowledge that there will be professional help and support available, when Plaintiff finally starts working.

Ms Morine offered support and assistance (same as any other future employee); services and advice are available) with navigating the transition from a life of chronic homelessness and Public/Disability Assistance, to a full-time work; for the people of this great state.

During recent discussions with the current head of the AIDS Institute and professional mentor Jhanne Morine, Plaintiff was informed that Plaintiff will be working out of Albany's famed Coming Tower (as opposed to lower Manhattan).

Although it has taken longer than Plaintiff would have liked, Plaintiff has reason to believe that Plaintiff will be asked to begin work at the AIDS Institute within the very near future. Plaintiff has been assured that the employment opportunity at the NYS DOH AIDS Institute still stands. For sure.

Prior to being offered the position last year, Plaintiff worked with the AIDS Institute as an advisor/consultant, and expert (*Women's, Trans', Sex Worker related prevention and policy and research initiatives).

comprehension of law policy, and "the process" of creating law and policy, became handy and in demand.

homelessness, and efforts towards saving money and becoming financially independent. This Court should direct the Municipal Defendants to assist Plaintiff financially, in Plaintiff's escape from

Municipal Defendants should not be allowed to avoid ever providing Plaintiff with appropriate housing and other services in the meantime.

Upstate NY during the Fall would not make Plaintiff eligible for relief of appropriate services from the Municipal Defendants.

This is an important legal distinction because it means judicial relief: Commuting via train to and from

Plaintiff Will Be Legally and By Definition, Homeless (for a Period), Even Once Classes/Work Begins:

Plaintiff will assess whether living in New York City is feasible sometime before Winter.

In terms of the winter months to come, Plaintiff will be more attractive to landlords as a student, with a 'government' job, pay stubs included...with a work history of at least a few months.

Plaintiff plans for the immediate future are to save as much money possible while building a work history; a work history meant to compliment Plaintiff's efforts to locate and apply for an apartment long term.

Relief within this case, via housing which meets Plaintiff's medical needs, is long overdue and warranted.

Plaintiff is currently "Squatting" at a location in Brooklyn; residing in a basement studio with No Certificate Of Occupancy; **Black Mold** and other safety concerns are numerous.

Plaintiff is still legally and technically Homeless (with no legal-residence; without a lease) and will be homeless by definition for the next several months, at least.

Plaintiff's Current Living Conditions:

Also, When Plaintiff is finally working, and is no longer eligible for public benefits, Plaintiff will adhere to all local and state rules and regulations, Plaintiff will inform NYC HRA and the Social Security Administration.

Working And/Or Attending Classes, Will Not Impact Plaintiff's ability to be Present or To Participate in, this Case If/When Required needed.

The Center for Constitutional Rights is planning to hold a public, community focused event in late August ((8/23)) in order to gather more information and to develop a better sense of the issues faced by Trans-GNC New Yorkers, especially those with documented disabilities.

As previously stated, Plaintiff has been authorized to inform this Court that the Center for Constitutional Rights is considering stepping in to aid Plaintiff with settlement talks (*if such settlement involves policy reform within the larger DHS system), or to potentially step in as co counsel regarding Plaintiff's motion Class Cert, if settlement cannot be reached.

Regrading Plaintiff's Motion for Class Certification; Plaintiff Requests a Date in Late September to Submit Additional Material to Support Motion for Class Certification:

Plaintiff will inform the Court and parties if and when Plaintiff locates long term housing, and signs a lease. Hopefully this will be before the holidays and incident weather to come.

Though Plaintiff's long struggle with chronic homelessness is almost over, it isn't quite over yet.

Plaintiff has been deprived of these benefits since the inception of this case

The two largest benefits which most homeless New Yorkers enjoy while housed within shelters, are 1. Asafe environment in which to sleep and bathe, and 2. the ability to save money while receiving homeless and shelter related services.

Defendants have not followed their own rules where Plaintiff is concerned, and Plaintiff has not been treated equally or fairly by the Defendants.

Indeed Plaintiff has never enjoyed the use of facilities or adequate services from the Defendants, in part because of policy failings, and in part due to retaliation by the Defendants or their agents.

As such Plaintiff remains eligible for services from the Municipal Defendants; who have not provided reasonable accommodations since 2017.

I'm the mean time Plaintiff remains legally and technically "home-less" and receiving public assistance and SSI.

Many of the conditions and accommodations which the Municipal Defendants are offering at this point are inadequate or are still in dispute as a matter of law and fact in this case.

The monetary amount of this preliminary relief would cost the taxpayers far less than what it would cost the taxpayers/Municipal Defendants, just to house Plaintiff in a shelter or similar placement for any extended period of time.

Plaintiff has asked this Court to order the Defendants to pay for an apartment/housing for Plaintiff in previous motions, still undecided.

As such Plaintiff requests a minimum date of late September to submit documents or respond in any way to the Defendants on paper, regarding Plaintiff's motion for Class Certification.

Considering the serious issues at the heart of this case (*systemic neglect of vulnerable NYers, and a potential cover up and retaliation of and against those same individuals), as well as the relative positive nature in the fact that several parties have already reached settlement (shrinking the pool of Defendants and streamlining the case where procedure and motion practice is concerned), a minimum extension/deadline of late September to submit material in support of motion for Class Certification, seems reasonable.

Plaintiff would ask to be given until after this event to submit supporting Documents related to Plaintiff's recent motion for Class Cert.

Plaintiff knows of at least six individuals (some of whom are known to the Defendants), who are willing to join to case. Still, there is no need to rush, in Plaintiff's view.

The event on 8/23 will also allow lawyers a chance to hear from individuals of all backgrounds and scream their stories for submission within this case (as evidence of a pattern of harmful policies and facilitates) in order to strengthen Plaintiff's motion for Class Certification.

With these events serving as a historical and social justice backdrop, Plaintiff will participate in the event on 8/23 hosted by Center for Constitutional Rights with the objective using the event as an opportunity to invite individuals with similar stories (and legal standing) to joining the Class described by Plaintiff.

Here in New York, a Trans person under the Defendants care (a Queer senior who was deemed "Too old" for Marshas') was senselessly murdered after a dispute with a Cis Gender person at a DHS Shelter, days after Plaintiff filed this case back in 2017.

A Homeless, African American Woman of Trans experience was brutally attacked in Texas just days ago, and authorities believe that the victims status as a homeless individual contributed to the suspects motives.

TLGBQ Homlessness can (often) prove fatal from a number of collateral consequences, such as long term neglect of healthcare and violence directed at the Homeless, especially in TLGBQ individuals.

Issues within this case are of the utmost importance; life and death.

However we'd like some time to cast the net for screening for Class members as wide as possible. During the peak of the summer, homelessness, looks different so to speak. We want to be sure we've heard from as many individuals as possible.

Plaintiffs point is that both the Center for Constitutional Rights and the Plaintiff, respect the Courts time as well as the complexity of issue placed before it by Plaintiff's motions for Class Cert.

August 1st 2019

Plaintiff, Pro se
Mariah Lopez

Respectfully Submitted

Plaintiff is willing to continue negotiations with the Defendants.

Plaintiff reiterates the fact that even apart from Discovery Plaintiff has a reasonable amount of evidence (including witnesses) which support the allegations made within Plaintiff's second amended complaint.

Made homeless, forced to endure at least two years of additional homelessness, and may suffer permanent psychological scars from the events of the previous two years, Plaintiff's demands have been reasonable. Considering that Plaintiff's account is that Plaintiff was discriminated against, then retaliated against.

Plaintiffs Settlement Demands Have Been Reasonable; Plaintiff is Willing To Continue Negotiations.